

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

v.

TOMAS HERNANDEZ IV

)

) Case No: 4:12CR3040

)

) USM No: 24837-047

)

) David R. Stickman

) Defendant's Attorney

Date of Original Judgment: 02/02/2012

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 70.

(Complete Parts I and II of Page 2 when motion is granted)

The defendant shall not be released any earlier than November 1, 2015.

Except as otherwise provided, all provisions of the judgment dated 11/13/2012 shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/20/2015

s/ John M. Gerrard
Judge's signature

Effective Date: 11/01/2015
(if different from order date)

John M. Gerrard, United States District Judge
Printed name and title

**This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)**

TOMAS HERNANDEZ IV

DEFENDANT: _____

CASE NUMBER: 4:12CR3040

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: 23

Amended Total Offense Level: 21

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 84 to 105 months

Amended Guideline Range: 70 to 87 months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

Filing nos. 66 and 67 are granted as provided herein.